

REMARKS :

The Office action mailed August 24, 2004 has been received and carefully considered. Reconsideration of the application in view of the following is respectfully requested.

Claims 1 to 16 and 20 to 27 were rejected as anticipated by Plass (sic) et al. 6,293,077. This basis of rejection with respect to many of the claims is neither understood nor believed to be correct.

In particular, please consider Claim 1, for example, with respect to portions of the following Figs. 4, 6 and 7.

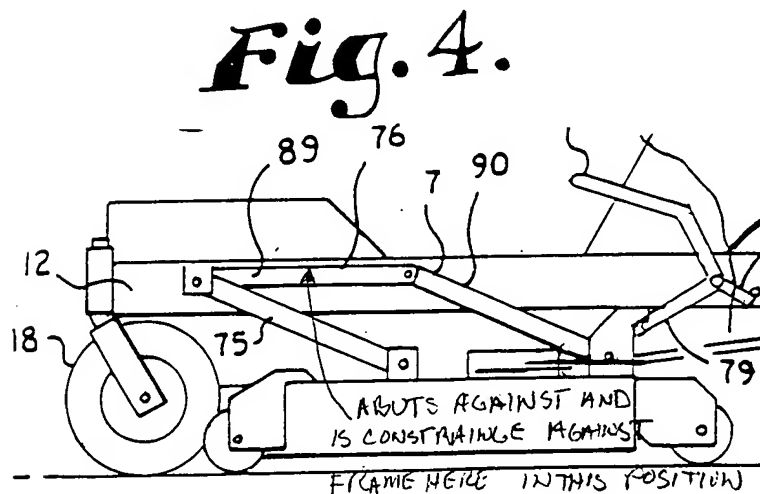


Fig. 6.

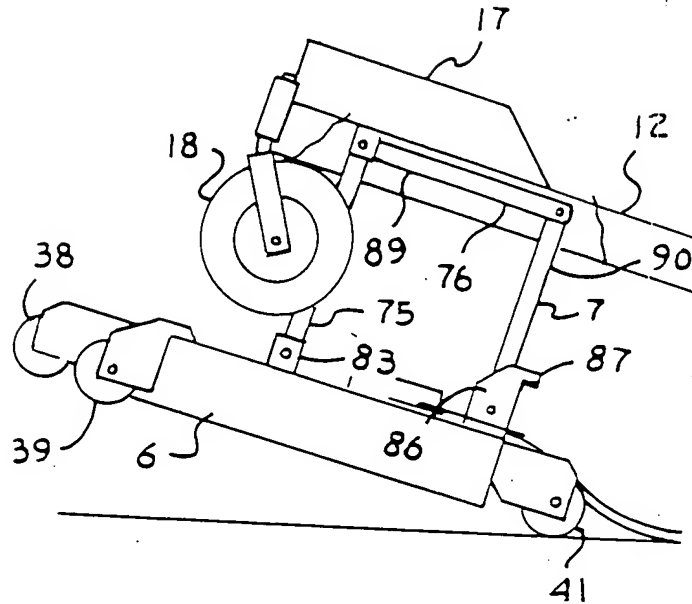
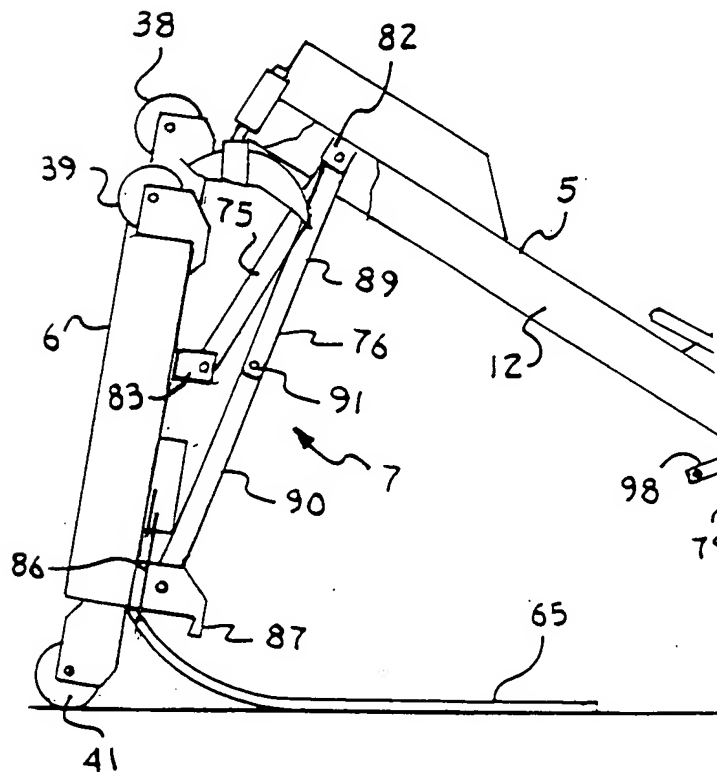


Fig. 7.



Claim 1 calls for a frame 5 upon which a mowing deck 6 is mounted by a support structure 7. The support structure 7 has a first forward arm 75 and a second rearward bifurcated arm 76. The key to the invention of Claim 1 is the bifurcated arm 76 in terms of structure, location and its relationship with respect to the forward arm 75. Specifically, the bifurcated arm 76 has a first section 89 that is constrained against the frame 5 in a mowing configuration, as is shown in Fig. 4. That is, the top of the arm first section 89 is pushed against and constrained by the frame 5 during mowing.

The bifurcated arm 76 has a second section 90 that is pivotally connected to the first section 89. The deck 6 is swingable from a mowing position, as seen in Fig. 4, to an access configuration as seen in Fig. 7. Fig. 6 shows an intermediate position where the first section 89 of the bifurcated arm 76 is still abutting against and constrained by the frame 5. In Fig. 7 the bifurcated arm first section 89 has swung away from the frame 5 to allow the deck 6 to rotate and swing fully forward into the access configuration where the underside is exposed for repairs.

It is in no way seen that the Plas, et al. patent shows such a structure. For example, there is found no first section of a bifurcated arm in Plas, et al. that abuts against the frame in a mowing configuration. There is no movement seen in Plas, et al.

between a mowing configuration and an access configuration that is controlled by a bifurcated arm. Nor are many of the other structural elements of Claim 1 found in Plas, et al. It is therefore urged that Claim 1 cannot be anticipated by Plas, et al. nor is Claim 1 obvious considering Plas, et al. in view of the other prior art of record. It is noted that Plas, et al. fails to also provide the same function even with completely different structure.

Claim 2 further calls for the arms (89 and 90) to form a parallelogram construction with the deck 6 when in the mowing configuration (such a configuration is seen in Figs. 4 and 6). Nothing in Plas, et al. shows a structure of this type where the upper or first section of the bifurcated arm 90 also functions to form the upper side or element of the parallelogram structure. Consequently, it is urged that this claim further distinguishes from Plas, et al. for this reason.

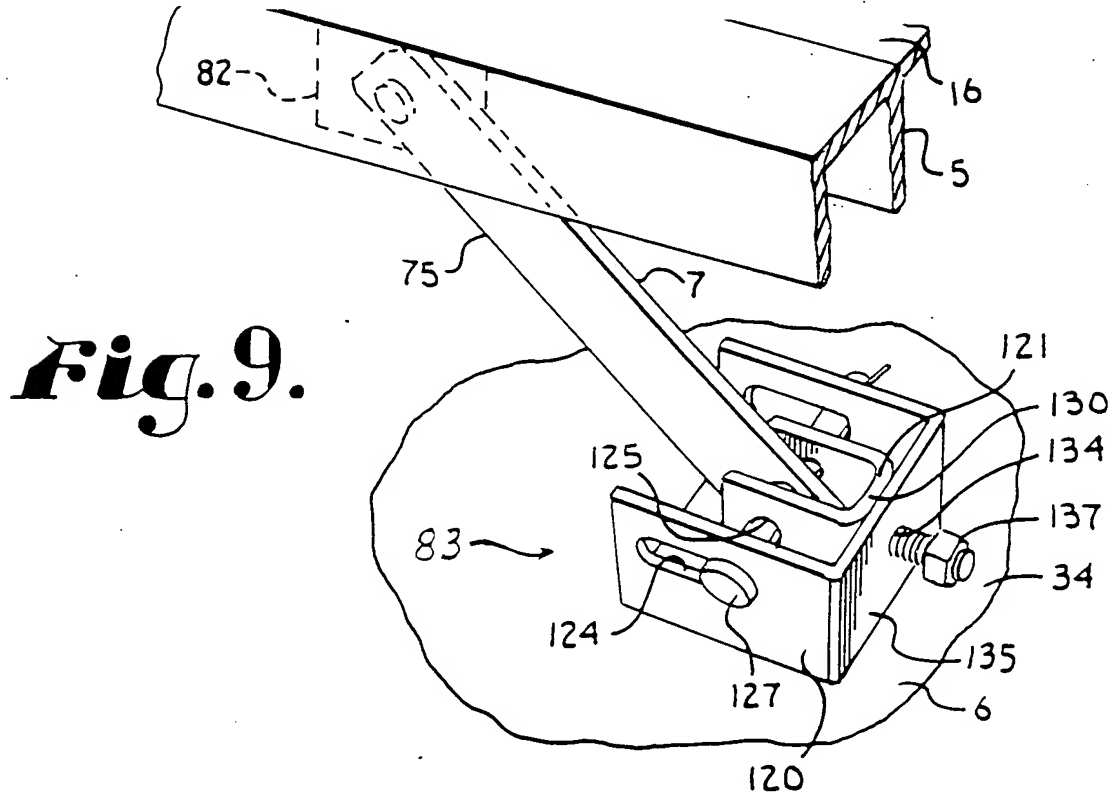
Claims 3 to 8 each have additional structure that works in cooperation with the claimed supporting structure of Claim 1 and is also believed to further distinguish these claims from Plas, et al.

Claim 9 is directed to the height adjustment mechanism that operates in conjunction with the support structure and is perhaps best seen in Fig. 8. The Office action has a figure from Plas, et al. with a number of comments, but the comments do not

indicate what claim is referenced and seem to be confused as to identifying structure therein as called for in applicants' claims, especially Claim 9. Claim 9 has been amended to better identify the differences. In particular, Claim 1 calls for a rigid spacing arm attached to a pivotal pivot rod with a first member of a hook and loop device (in Fig. 8 a bail or rod 102 is shown as a loop device) attached directly to an end of the spacing arms 98 opposite the pivot rod 95. The Plas, et al. configuration illustrates a much more complex structure which does not anticipate the claimed structure and which would not work well with the type of mower and support used here and, therefore, would not lead to obvious combination of Plas, et al with other cited art to produce the claimed structure.

Claims 10 through 16 claim additional structure that is urged to distinguish these claims from Plas, et al. For example, while the Office action indicates with an arrow that element 38 of Plas, et al. is a "stop pin", no such structure or function is found where indicated.

Claim 20 calls for a fine adjustment mechanism that is best shown in Fig. 9.



This structure allows fine adjustment of the relative length of the front support arm as opposed to the gross cutting height adjustment provided by the structure called for in Claim 9. Claim 20, as well as the more specific claims that depend from Claim 20, are rejected as anticipated by Plas, et al. There is an indication (by box and arrow) in the Office action that element 24 provides fine height and adjustment. However, nothing is seen in Plas, et al. that anticipates the structure called for in Claims 20 to 27 nor even that performs the function. It is

especially noted that in Plas, et al., the attachment bracket 22 associated with the slot 24 and attachment means 18 is fixedly attached to the deck 15 (see column 3, line 12) which specifically teaches away from an adjustment mechanism of any type. Consequently, it is urged that Plas, et al. does not in any way anticipate Claims 20 to 27 nor does it make obvious the claimed structure when combined with any of the other art of record.

Claim 28 was rejected as anticipated by Plas, et al. or Schmidt. Claim 28 has been amended to emphasize the difference therein with respect to the cited references. In particular, the distinct advantage of applicants' structure is to provide easy access to the underside of the mower deck for repairs and the like. For example, applicants' mower deck can rotate on the frame between the mowing configuration seen in Fig. 2 to the access configuration seen in Fig. 7. Nothing in Plas, et al. or Schmidt is seen to in anyway provide a deck that pivots on the frame to rotate between these configurations or to allow exposure of the underside of the deck while it is still joined to the frame. While the deck of Plas, et al. or Schmidt may be completely disassembled from the frame and removed for maintenance, nothing is seen to even suggest the claimed invention of Claim 28, let alone anticipate Claim 28.


In summary, it is urged that Claims 1 to 16 and 20 to 28

distinguish over the art of record and notice to this effect is earnestly solicited.

The Examiner is invited to contact the undersigned by telephone, if prosecution of this application can be expedited thereby.

Respectfully Submitted,

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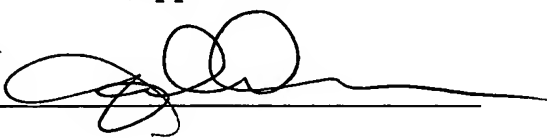


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P.O. Box 1450,
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January 25, 2005.

Stephen C. Thatcher, et al.
(Applicant)

By



January 25, 2005

(Date of Signature)